

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 7246

BILL NUMBER: HB 1571

NOTE PREPARED: Jan 14, 2011

BILL AMENDED:

SUBJECT: Filing of Criminal Law Bills.

FIRST AUTHOR: Rep. Pierce

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: This bill has the following provisions:

- A. It requires the Criminal Law and Sentencing Policy Study Committee to review all requests for proposed legislative or constitutional changes in criminal law, criminal procedure, the law governing delinquent acts, or juvenile court procedures related to alleged delinquent acts before they are considered by the House of Representatives or Senate, unless the proposed change in criminal law has been approved by certain legislative committees and specific amounts of money have been appropriated to the Department of Correction if certain department expenses will increase.
- B. It requires that bills and joint resolutions that include any of these matters must be assigned to the appropriate standing criminal law committee of the House of Representatives or Senate on first reading of the bill or joint resolution and must include certain information concerning the fiscal impact of the proposed change.
- C. It delays the effective date of a proposal until the estimated amount of any increase in the expenditures of the Department of Correction resulting from enactment of the proposal is determined.
- D. It relocates the statute establishing the Criminal Law and Sentencing Policy Study Committee.

Effective Date: July 1, 2011.

Explanation of State Expenditures: The bill continues the Criminal Law and Sentencing Policy Study Committee and its associated expenditures. The Criminal Law and Sentencing Policy Study Committee is a 14-member committee consisting of 8 legislators, 1 lay member, and 5 state employees. Authorizing language is currently in statute under the section of Temporary Committees (IC 2-5.5-5). The committee has, in the past, operated under the policies governing study committees adopted by the Legislative Council.

Legislative Council resolutions in the past have established budgets for interim study committees in the amount of \$9,500 per interim for committees with fewer than 16 members. However the Committee is also staffed by the Criminal Justice Institute and the Department of Correction may also assist the Committee as requested.

The cost of added fiscal analyses would be paid out of the Legislative Services Agency (LSA) budget. As part of its new responsibilities, the Criminal Law and Sentencing Policy Study Committee will review and report on all requests for proposed legislative and constitutional changes in criminal law and procedure, juvenile delinquent acts, and juvenile court procedures and acts. The committee will submit a report on each proposal submitted to the committee about changes in the constitution or laws, including a fiscal analysis and summaries of any research supporting the recommended changes.

The bill provides that during a legislative session, bills proposing to change the criminal code will not be permitted to be considered if the bill or amendment has not first been recommended by the Criminal Law and Sentencing Policy Study Committee. It also requires that fiscal information is printed in the digest of the printed bill. The bill also outlines procedural changes which relevant bills must follow in the House and Senate.

The bill requires that if the fiscal analysis indicates that an appropriation is necessary to finance the added adult offender or juvenile population, then the bill will not be enacted into law until a sufficient amount of money is appropriated for this expansion.

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Legislative Services Agency; Criminal Justice Institute; Department of Correction.

Local Agencies Affected:

Information Sources:

Fiscal Analyst: Mark Goodpaster, 317-232-9852.